



Entered on Docket
October 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Amended Fourth
Omnibus Objection Of USACM Trust To
Proofs Of Claim Based In Part Upon
Investment In The Bundy Canyon
(\$7.5 Million) Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Amended Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The Bundy Canyon (\$7.5 Million) Loan, [DE 8781] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the partial disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Bundy Canyon (\$7.5
2 Million) Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8781] is sustained;
- 5 2. The Proofs of Claim listed on **Exhibit A** attached are 80% disallowed and
6 20% allowed to the extent those claims are based upon an investment in the Bundy Canyon
7 (\$7.5 Million) Loan; and
- 8 3. To the extent those Proofs of Claim are based upon an investment in a
9 different loan(s), they are not affected by this Order.

10
11 PREPARED AND RESPECTFULLY SUBMITTED BY:

12 **LEWIS AND ROCA LLP**

13
14 By /s/ John Hinderaker (AZ #018024)

15 Robert M. Charles, Jr.

16 John Hinderaker (*pro hac vice*)

17 3993 Howard Hughes Parkway, Ste. 600

18 Las Vegas, Nevada 89169-5996

19 Telephone: (702) 949-8320

20 Facsimile: (702) 949-8321

21 *Attorneys for USACM Liquidating Trust*

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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 _____ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.

6 _____ I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared
8 at the hearing, and each has approved or disapproved the order, or
9 failed to respond, as indicated below [list each party and whether the
10 party has approved, disapproved, or failed to respond to the
11 document]:

12 Counsel appearing: _____

13 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
14 copy of this order with the motion pursuant to LR 9014(g), and that
15 no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the 17 order and/or	<input type="checkbox"/> failed to respond to the document
18 Other Party: _____	
19 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
20 <input type="checkbox"/> waived the right to review the 21 order and/or	<input type="checkbox"/> failed to respond to the document

22 Submitted by:
23 LEWIS AND ROCA LLP

24 By: /s/ John Hinderaker. (AZ #018024)
25 Attorneys for USACM Liquidating Trust

26 # # #

USACM Trust
Bundy Canyon (\$7.5 Million) Loan
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Bundy Canyon \$7,500,000 Loan	Amount Allowed	Amount Disallowed
10725-02401	Jean G Richards Trust Dtd 9/30/99	Jean G Richards Tee 1160 Magnolia Ln Lincoln, CA 95648	313,192.06	50,000.00	10,000.00	40,000.00
10725-00565	Mary E Dunlop 1992 Trust Dtd 7/29/03	Mary E Dunlop Trustee 10969 Las Casitas Atascadero, CA 93422	101,429.17	50,000.00	10,000.00	40,000.00
10725-02306	Menchetti, D G	Po Box 7100 Incline Village, NV 89452-7100	1,800,000.00	100,000.00	20,000.00	80,000.00
10725-01208	Monighetti, Pete	6515 Frankie LN Prunedale, CA 93907	1,509,963.55	50,000.00	10,000.00	40,000.00
10725-00386	Sexton, Thomas	450 Waycliffe Ave N Wayzata, MN 55391	271,000.00	150,000.00	30,000.00	120,000.00
10725-01169	Tomlin, Donald S	Donald S & Dorothy R Tomlin Tee 7145 Beverly Glen Ave Las Vegas, NV 89110-4228	2,779,806.00	254,035.00	50,807.00	203,228.00
10725-02367	Whitman Trust Dtd 12/01/04	C/O H Daniel Whitman Tee PO Box 10200 Zephyr Cove, NV 89448-2200	406,413.64	100,000.00	20,000.00	80,000.00
10725-02309	World Links Group LLC	C/O Leo G Mantas 7440 S Blackhawk St. #12208 Englewood, CO 80112	396,000.00	75,000.00	15,000.00	60,000.00

EXHIBIT A